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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**KEBRON DANIEL, LILAY INC., and  
PEARL MICHELLE MOYA**

Plaintiffs,  
vs.

**CITY OF ANTIOCH, a municipal  
corporation, ANTIOCH POLICE  
OFFICERS Devany Dee, Individually, Rick  
Smith, Individually, John Fortner,  
Individually, and Nahleen Cloninger,  
Individually, and DOES 1 THROUGH 30,  
Jointly and Severally,**

Defendants.

Case No. CV 13-01084 MMC

**~~[PROPOSED]~~ ORDER, VACATING  
HEARING ON DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS'  
FIRST AMENDED COMPLAINT,  
GRANTING LEAVE FOR THE FILING  
OF A SECOND AMENDED  
COMPLAINT, AND CONTINUING  
CASE MANAGEMENT CONFERENCE;  
DEEMING DEFENDANTS' MOTION TO  
DISMISS WITHDRAWN, WITHOUT  
PREJUDICE**

Having considered the parties' Stipulated Request, and good cause appearing therefor,  
IT IS HEREBY ORDERED that the stipulated request is GRANTED.

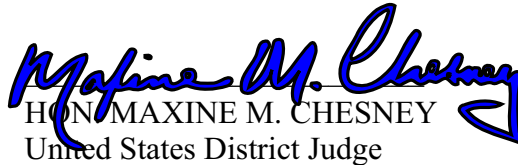
The hearing on Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint,  
currently set for **July 26, 2013, at 9:00 a.m.**, is VACATED; leave is granted to Plaintiffs to file a

1 Second Amended Complaint by **August 1, 2013**, with a responsive pleading by Defendants due  
2 21-days thereafter; and, the Case Management Conference (“CMC”), currently set for **July 19,**  
3 **2013**, is continued to **September 13, 2013**, at 10:30 a.m., in Courtroom No. 7, on the 19<sup>th</sup> Floor  
4 of the San Francisco division of the U.S. District Court, Northern District. A Joint Case  
5 Management Conference Statement shall be filed by the parties on or before September 6, 2013,  
6 one week before the September 13, 2013 CMC. A schedule for Federal Rules of Civil Procedure,  
7 Rule 26(a)(1) disclosures will be discussed and set at the September 13, 2013 Case Management  
8 Conference.

9 IT IS FURTHER ORDERED that defendants' motion to dismiss is deemed withdrawn,  
10 without prejudice to refiling in the event plaintiffs do not file a Second Amended Complaint.

11 **IT IS SO ORDERED.**

12 DATED: July 11, 2013

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HON. MAXINE M. CHESNEY  
United States District Judge